

FILED
DISTRICT COURT OF GUAM

SEP 14 2006 *WBO*

MARY L.M. MORAN
CLERK OF COURT

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Attorneys for Defendant, Cross-Claimant and
Counterclaimant S.J. GARGRAVE SYNDICATE 2724
8ZP629W

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

INCHAPE SHIPPING SERVICES GUAM,
LLC,

Plaintiff in Intervention,

vs.

MARWAN SHIPPING & TRADING CO.,
FIVE SEAS SHIPPING CO., LLC, and S.J.
GARGRAVE SYNDICATE 2724, *in*
personam,

Defendants.

AND CROSS-CLAIMS, COUNTERCLAIM,
AND CLAIM IN INTERVENTION

Civil Case No.: 06-00011

**NOTICE OF NON-AVAILABILITY OF
COUNSEL FOR S.J. GARGRAVE
SYNDICATE 2724**

Complaint Date: April 19, 2006
Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

2 **PLEASE TAKE NOTICE** that Forrest Booth of Severson & Werson, attorney for
3 Defendant, Cross-Claimant and Counterclaimant S.J. GARGRAVE SYNDICATE 2724
4 (hereinafter "Gargrave"), will be out of state and unavailable for any proceedings of any nature,
5 including but not limited to, receiving notices of any kind, responding to *ex parte* applications,
6 process service, appearing in Court and attending depositions, on the following dates: Monday,
7 September 18, 2006 through Friday, October 6, 2006, inclusive.

8 Counsels' consideration in not scheduling matters during these periods will be
9 appreciated. Of exception is the Scheduling Conference currently set during this period but for
10 which Mr. Booth has arranged to attend telephonically. Purposely scheduling a conflicting
11 proceeding or another matter requiring opposing counsel's participation or attention, after being
12 advised of counsel's unavailability, without good cause, is conduct subject to sanctions.
13 Tenderloin Housing Clinic, Inc. v. Sparks, 8 Cal.App.4th 299 (1992).

14 Dated this 14th of September, 2006.

15 TARPLEY & MORONI, LLP

16
17 By: 

18 THOMAS M. TARPLEY, JR.,
19 Attorney for Defendant, Cross-Claimant
20 and Counterclaimant
21 S.J. GARGRAVE SYNDICATE 2724
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CERTIFICATE OF SERVICE

I, Thomas M. Tarpley, Jr., hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on September 14, 2006, I caused to be served a true and correct copy of the **NOTICE OF NON-AVAILABILITY OF COUNSEL FOR S.J. GARGRAVE SYNDICATE 2724**, to the following:

R. Michael Underhill, Esq.
Attorney in Charge
c/o Mike W. Schwab, Esq.
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Attorneys for Defendants and Cross-Defendants Marwan Shipping & Trading Co. and Five Seas Shipping Co., LLC

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Hagatna, Guam 96910
Attorneys for Intervenor Inshape Shipping Services Guam LLC

Dated this 14th day of September, 2006.

TARPLEY & MORONI, LLP

By: 

THOMAS M. TARPLEY, JR.,
Attorney for Defendant, Cross-Claimant
and Counterclaimant
S.J. GARGRAVE SYNDICATE 2724